

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD A. HAMMONDS,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 10-444
)	
OFFICER RANDY JUSTICE, OFFICER)	
KOVAC, OFFICER MAXWELL,)	
OFFICER PENDAL, OFFICER)	JURY TRIAL DEMANDED
EDWARDS, OFFICER YOUNG,)	
OFFICER CHRONISTER, OFFICER)	
HOLLOWAY, OFFICER WILLIAM)	
FRANCIS, OFFICER BEST, SGT.)	
ANDREW COULTER, WARDEN)	
RAMON RUSTIN, CHIEF EXECUTIVE)	
DAN ONORATO, JOHN DOE I, JOHN)	
DOE II, JOHN DOE III, JOHN DOE IV,)	
)	
Defendants.)	

ANSWER

AND NOW COMES Defendants, by and through their legal counsel, ANDREW F. SZEFI, County Solicitor, and CRAIG E. MARAVICH, Assistant County Solicitor, and file the following Answer.

First Defense

Pursuant to Fed. R. Civ. P. Rule 8, Defendant admits the following allegations contained in the Complaint at the following paragraphs:

2, 23

Pursuant to Fed. R. Civ. P. Rule 8, Defendant specifically denies, with or without knowledge or information sufficient to form a belief, the following averments contained in the Complaint at the following paragraphs:

1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25.

Second Defense

Pursuant to the Federal Rules of Civil Procedure, defendants generally deny any and all claims which may exist in the Amended Complaint, or may be liberally construed to exist in the active pleading, including, but not limited to, claims under the Eighth Amendment or the Fourteenth Amendment pursuant to 42 U.S.C. § 1983.

Third Defense

The Amended Complaint fails to state a claim upon which relief can be granted.

Fourth Defense

Plaintiff failed to properly execute service or service of process against all defendants.

Fifth Defense

Plaintiff fails to demonstrate the requisite personal involvement against all defendants required in a civil rights action.

Sixth Defense

The Amended Complaint is barred by the doctrine announced in *Heck v. Humphrey*, 512 U.S. 477 (1974).

Seventh Defense

The Amended Complaint is barred by the rule of law known as the *Rooker-Feldman* doctrine. *District of Columbia of Appeals v. Feldman*, 460 U.S. 462, 103 S.Ct. 1303 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 44 S.Ct. 149 (1923).

Eighth Defense

The Amended Complaint is barred by collateral estoppel.

Ninth Defense

The Amended Complaint is barred by res judicata.

Tenth Defense

The Amended Complaint is barred by judicial estoppel.

Eleventh Defense

This Court may lack subject matter jurisdiction.

Twelfth Defense

Defendants are entitled to qualified immunity.

Thirteenth Defense

Defendants are entitled to official, governmental and sovereign immunity.

Fourteenth Defense

Plaintiff failed to exhaust his administrative remedies before filing suit.

Fifteenth Defense

Plaintiff procedurally defaulted on his claims.

Sixteenth Defense

No reasonable fact finder could find in favor of plaintiff.

Seventeenth Defense

Plaintiff was the legal cause of his alleged injuries.

Eighteenth Defense

Plaintiff was the proximate cause of his alleged injuries.

Nineteenth Defense

Defendants are entitled to all affirmative defenses, including immunities, statutory preclusions and case law doctrines, as applicable.

Twentieth Defense

Defendants reserve the right to amend this pleading as they deem needed or necessary.

Conclusion

WHEREFORE, it is respectfully requested judgment be granted in favor of Defendants and against plaintiff.

Respectfully submitted,

Andrew F. Szefi
County Solicitor
Pa. I.D. #83747

/s/ Craig E. Maravich
Craig E. Maravich
Assistant County Solicitor
Pa. I.D. #86219
Allegheny County Law Department
445 Fort Pitt Boulevard, Suite 300
Pittsburgh, PA 15219
412-350-1150

